GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:6204
ANSWERED ON:11.04.2017
Inhuman Treatment in Police Custody
Ajmal Maulana Badruddin;Gandhi Shri Dilip Kumar Mansukhlal

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government proposes to enact an effective law to prevent torture and inhuman treatment of individuals in police custody;

(b) if so, the details thereof;

(c) whether the Government has paid compensation to the family members of
persons who died in police custody;

(d) if so, the details thereof and the total funds granted during each of the last three years and the current year, State-wise;

(e) whether the Government has issued any directive to States and Police Departments to sensitize the police forces in this regard; and

(f) if so, the details thereof and the other corrective steps taken to stop such cases in future?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)

(a) & (b): "Police" and "Public Order" are State subjects under the Seventh Schedule of the Constitution of India and it is primarily the responsibility of the State Government to appropriately prevent and ensure non-occurrence of police atrocities and protect the human rights of the citizen. A proposal to suitably amend Section 330 and Section 331 of Indian Penal Code to define the words "Torture" and "Public Servants" is under active examination in this Ministry in consultation with the concerned Ministries.
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(c) & (d): As per Section 18 of Protection of Human Rights Act, 1993, the National Human Rights Commission may recommend payment of compensation or damages to the complainant or to the victim or the members of his family. As per information received from National Human Rights Commission , statements indicating state-wise and year-wise details of the cases where the Commission recommended monetary relief for family members of the persons who died in police custody during the last three years and the current year upto 31-03-2017 are at Annexure I to IV.

(e) & (f): Pursuant to the guidelines issued by the National Human Rights Commission every death in custody, Police or judicial, natural or otherwise, is to be reported to the Commission within 24 hours of its occurrence.

In all such cases, the commission calls for various reports including the inquest, post-mortem, video-graphy of post-mortem, magisterial inquiry report for ascertaining foul play or negligence, if any, which resulted in the death.

During various workshops, seminars and camp sittings, the Commission sensitizes senior officers in State Governments for better protection of Human Rights.

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